

Response Under 37 C.F.R. 1.116

Applicant: David C. Chu

Serial No.: 10/052,673

Filed: January 17, 2002

Docket No.: 10020043-1

Title: SYSTEM AND METHOD FOR INTERFEROMETER NON-LINEARITY COMPENSATION

REMARKS

This Amendment is responsive to the Final Office Action mailed March 31, 2004. In that Office Action, the Examiner provisionally rejected claims 1-9, 11-20, and 22-24 under the judicially-created Doctrine of Obviousness-Type Double Patenting as being unpatentable over claims 1-25 of co-pending U.S. Patent Application Publication No. US 2003/0098981 in view of Demarest, U.S. Patent No. 6,597,459 ("Demarest"). The Examiner's indication that claims 10, 21, and 25, although objected to, would be allowable if re-written in independent form, is noted with appreciation.

With this Response, the Applicants have submitted a Terminal Disclaimer. Claims 1-25 remain pending in the application and are presented for reconsideration and allowance.

Double Patenting Rejection

The Examiner provisionally rejected claims 1-9, 11-20, and 22-24 under the judicially-created Doctrine of Obviousness-Type Double Patenting as being unpatentable over co-pending Application Publication No. US 2003/0098981 in view of Demarest, U.S. Patent No. 6,597,459 ("Demarest"). In response, the Applicants have submitted herewith a Terminal Disclaimer filed under 37 C.F.R. 1.321 along with the appropriate fees to obviate the Examiner's double patenting rejection.

Allowable Subject Matter

In light of the above, Applicant believes independent claims 1, 11, and 22, and the claims depending therefrom, are in condition for allowance. Allowance of these claims is respectfully requested.

CONCLUSION

Any inquiry regarding this Response should be directed to Jeff A. Holmen at telephone number (612) 573-0178, facsimile number (612) 573-2005, or Jack H Wu at Telephone No. (408) 553-3060, Facsimile No. (408) 553-3063. In addition, all correspondence should continue to be directed to the following address:

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Agilent Technologies, Inc.
Intellectual Property Administration
Legal Department, M/S DL429
P.O. Box 7599
Loveland, CO 80537-0599

Respectfully submitted,

David C. Chu,

By his attorneys,

Jack H. Wu
AGILENT TECHNOLOGIES INC.
Intellectual Property Administration
5301 Stevens Creek Boulevard, MS 51UPD
Santa Clara, CA 95052-3043
Telephone: (408) 553-3060
Facsimile: (408) 553-3063

Date: 4/29/2004
JAH:jmc



Jack H. Wu
Reg. No. 29,992

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29th day of April, 2004.

By 

Name: **AnnMarie Radcliffe**